

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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|----------------------------------|---|--------------------------|
| TERRA PARTNERS; TERRA XXI, LTD.; | § | |
| ROBERT WAYNE VEIGEL; | § | |
| ELLA MARIE WILLIAMS VEIGAL; | § | |
| VEIGEL FARMS, INC.; | § | |
| VEIGEL CATTLE COMPANY; and | § | |
| VEIGEL FARM PARTNERS, | § | No. 1-16-cv-01036-WPL-KK |
| | § | |
| Plaintiffs, | § | Transferred from |
| | § | USDC NDTX (Amarillo) |
| v. | § | No. 2:15-cv-236-J |
| | § | |
| AG ACCEPTANCE CORPORATION, | § | |
| | § | |
| Defendant. | § | |

DECLARATION OF BARBARA WHITEN BALLIETTE
IN SUPPORT OF DEFENDANT'S RESPONSE TO THE VEIGELS'
MOTION FOR SUMMARY JUDGMENT AND BRIEF IN SUPPORT

Pursuant to 28 U.S.C. § 1746, I, Barbara Whiten Balliette, declare as follows:

1. I am a lawyer and partner at Reid Collins & Tsai LLP. I represent Defendant Ag Acceptance Corporation in this action and have personal knowledge of the facts set forth in this Declaration.

2. Attached as Exhibit A is a true and correct copy of the Settlement Agreement dated November 6, 2008 in Case No. CI-07C-024, *James Friemel, et al. v. Ag Acceptance Corporation, et al.*, in the 222nd Judicial District Court of Deaf Smith County, Texas.

3. Attached as Exhibit B is a true and correct copy of Terra Partners' Second Amended Cross-Claim Against Ag Acceptance Corporation and Rabo Agrifinance, Inc. dated October 3, 2008 in Case No. CI-07C-024, *James Friemel, et al. v. Ag Acceptance Corporation, et al.*, in the 222nd Judicial District Court of Deaf Smith County, Texas.

4. Attached as Exhibit C is a true and correct copy of Plaintiffs' Initial Disclosures in this action.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed: December 15, 2016

/s/ Barbara Whiten Balliette
Barbara Whiten Balliette